

JULIE F. WALL, ESQ. (Admitted *Pro Hac Vice*)
jwall@cmn-law.com
CHITTENDEN, MURDAY & NOVOTNY LLC
303 West Madison Street, Suite 1400
Chicago, IL 60606
TEL: 312.281.3600
FAX: 312.281.3678

SUSAN E. BASINGER, ESQ. (Bar No. 140864)
basinger@higgslaw.com
LOREN G. FREESTONE, ESQ. (Bar No. 191868)
lfreestone@higgslaw.com
HIGGS FLETCHER & MACK LLP
401 West "A" Street, Suite 2600
San Diego, CA 92101-7913
TEL: 619.236.1551
FAX: 619.696.1410

Attorneys for Plaintiff
MIDLAND NATIONAL LIFE INSURANCE
COMPANY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA--WESTERN DIVISION

MIDLAND NATIONAL LIFE
INSURANCE COMPANY,

Plaintiff,

v.

SUSAN ANDREWS and DARLENE
NOBLE,

Defendants.

CASE NO. CV 14-02782 DMG (EX)

**HIPAA QUALIFIED PROTECTIVE
ORDER**

This matter coming to be heard on the Motion for the Entry of a Qualified Protective Order pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") (see Pub. L. 104-191, 110 Stat 1936), due notice hereof having been given, and the Court being fully advised in the premises:

THE COURT FINDS:

1. The following definitions shall apply to this Order:

///

1 a) "PHI" means protected health information, as that
2 term is used in HIPAA and the Privacy Standards and
3 defined in 45 C.F.R. §§ 160.103 & 164.501. Without
4 limiting the definition, and merely for purposes of
5 providing relevant examples, PHI includes health
6 information, including demographic information, relating
7 to the past, present, or future physical or mental condition
8 of an individual, the provision of care to an individual,
9 and the payment for care provided to an individual that
10 identifies the individual or which reasonably could be
11 expected to identify the individual.

7 b) "Privacy Standards" means the Standards for
8 Privacy of Individually Identifiable Health Information.
9 See 45 C.F.R. §§ 160 & 164.

9 c) "Covered Entity or Covered Entities" means those
10 entities defined in 45 C.F.R. § 160.103.

11 d) "Signatories" means all Parties to this litigation,
12 their attorneys, and all non-Parties that a court may
13 subsequently recognize as a signatory of this qualified
14 protective order.

13 2. The Parties recognize the need to provide for the expeditious transfer
14 of PHI to each other and to their representatives in connection with this litigation
15 and further recognize the need to provide for the continued confidentiality of PHI.
16 To achieve these goals, they seek entry of this HIPAA Qualified Protective Order.

17 3. This litigation involves a life insurance policy issued by the Plaintiff
18 on Mia Noble's life. Defendant Darlene Noble has sought the production of
19 documents related to this life insurance policy. The documents Defendant Noble
20 seeks include information regarding the medical background, treatment, and
21 services of Mia Noble, deceased. Accordingly, it will be necessary for the
22 Signatories to request, produce, receive, subpoena, and/or transmit the PHI of Mia
23 Noble in this litigation.

24 **IT IS HEREBY ORDERED:**

25 4. The Signatories shall familiarize themselves with HIPAA and the
26 Privacy Standards.

27 5. Notwithstanding federal or state law limiting the Signatories' and
28 Covered Entities' authority to disclose PHI, the Signatories and Covered Entities

1 are authorized to disclose, release and transmit PHI in their possession related to
2 Mia Noble in response to a subpoena, discovery request, or other lawful process
3 issued related to this litigation.

4 6. The Signatories shall not use or disclose the PHI released for this
5 litigation for any purpose other than this litigation.


6 7. The Signatories may use the PHI in any manner that is reasonably
7 connected with this litigation, including but not limited to disclosures to the Parties,
8 their attorneys of record, the attorneys' firms (i.e., attorneys, support staff, agents,
9 and consultants), witnesses, the Parties' agents, experts, consultants, court
10 personnel, court reporters, copy services, trial consultants, jurors, venire members,
11 and other entities involved in the litigation process.

12 8. This order shall not control or limit the use of what would otherwise be
13 considered PHI that comes into the possession of any party to this litigation (or
14 their attorney) from a source other than a Signatory or a Covered Entity.

15 9. The Signatories agree to carefully store all PHI while it is in their
16 possession so as to prevent its unauthorized disclosure.

17 10. The Signatories agree that within 90 days of the issuance of a final
18 order in this litigation, or the extinguishment of all appeals, all Signatories that
19 obtained PHI during the course of this lawsuit shall destroy said PHI (and all copies
20 of such PHI) or return it to the Covered Entity from which it was received, except
21 that PHI that was submitted to the court.

22
23 DATED: 5/4/15



HON. DOLLY M. GEE
UNITED STATES DISTRICT JUDGE
Magistrate Judge